



## Testimony of Deborah Schander

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### Concerning HB 6800: An Act Concerning Electronic Book and Digital Audiobook Licensing

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Senator Rahman, Representative Kavros DeGraw, and distinguished members of the Planning and Development Committee, good morning. I am State Librarian Deborah Schander, and I am here to speak about HB 6800 concerning fair terms in contracts and licenses for electronic books for libraries. This topic has been a matter of great conversation and concern in the library community for years, and we appreciate the opportunity to share our perspective on the issue with you today.

The advent of eBooks, in both text and audio form, dramatically shifted the relationship between libraries and publishers and has moved us from traditional purchases to renting collections through licensing. And these licenses are undeniably crafted in ways that benefit publishers to the detriment of libraries and greatly affect our core mission to provide equitable access of information to all our citizens. Libraries face significantly steeper costs than consumers; we must pay those costs again and again to maintain access to the same content; we are limited in who we can lend those items to and for how long and in what way; and we may not even be given the option to access them at all. Our autonomy to make decisions about how to share and lend eBooks has been taken from us. We have had to surrender our mission to the terms publishers put in these licenses. You will continue to hear details about these constraints throughout today's hearing.

Thanks to 2013 legislation, Connecticut first conducted a study of this matter, then in 2015 allocated bonding funds for the State Library to develop the first statewide ebook platform of its kind. But those measures aren't enough. The underlying issues that lead to that study and that platform remain, and they continue to impact every library in this state and across the country.

In recent years, legislators and librarians across the country have questioned the existing model through bills like HB 6800. Every one of them has faced significant legal pushback from publishers, who obscure the issues with talk of federal preemption and conversations about the free market. But that is all their words are: obfuscation. Here are the facts: in order to acquire an eBook or e-

Audiobook for its collection, a library's only option is a license, offered on unsustainable and unfair terms. And Connecticut has the right as a state to say the terms of these licenses – these contracts – are unfair and discriminatory and to pass legislation which is equitable for libraries and publishers alike.

We know from the response our fellow states have seen that this is a complicated matter. Any legislation Connecticut passes must be both comprehensive and responsive to the needs of our many different types of libraries and the diverse sets of citizens they serve. Address both the concerns of public libraries and research libraries. Consider the leisure reader and the person who relies on their library for every book. Remember that some of us like audiobooks and some of us need audiobooks. Make it clear it is the libraries who can determine what is an equitable price, not the publishers.

It is not our desire to remove publishers from this conversation. As always, libraries will continue to pay for the materials we want. We will continue to support authors with our purchases and our recommendations. But as it currently stands, the relationship between libraries and publishers on electronic books is too far unbalanced. Publishers should not be able to continue dictating the library mission through unreasonable licensing terms.

Thank you for raising this bill. The State Library welcomes the opportunity to be part of the ongoing conversation on this legislation as you proceed with your work.

